



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,108	05/31/2000	JENS-MAIER	10191/1316	1708

26646 7590 09/12/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 09/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,108

Applicant(s)

MAIER ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Reconsideration filed on 6/20/03, paper 8.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. PCT/DE98/02741.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Remarks

1. Applicant's Reconsideration filed on June 20, 2003 (paper 8) has been fully considered. A newly found prior art which teaches the following claimed features in a better form than the cited prior art of Kajiyama is applied as follows:

(a) TOC table having time information such as minutes and seconds are based on a "one time unit" which is the time unit "second"; and

(b) the start time is the absolute time of each program as illustrated in Fig. 14.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 5-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kondo et al. (U.S. Patent 5,982,727).

Kondo teaches a method for playing a recording medium in a player 1 having all of the steps as recited in claims 5-9.

For example, Kondo teaches the following:

(a) as in claim 5, the recording medium 7 having a run-in area and at least one address area stored in the run-in area (Figs. 3 and 7; lead-in area is the claimed run-in area; address area in the lead-in area is recorded as the absolute time; column 1, lines 23-25);

(b) as in claim 5, the at least one address area containing at least one address of a beginning of a title stored on the recording medium in the form of a combination of multiple time units (Fig. 14; column 1, lines 25 and 26; a time unit is expressed in form of a second);

(c) as in claim 5, the player 1 having a read device 43 and a memory (Figs. 1 and 3; controller 2 and CPU 45 each contains an internal memory as a buffer);

(d) as in claim 5, the at least one address area is read out, converting the at least one address of the beginning of the title to a start time in the form of exactly one time unit (Fig. 3; column 4, lines 63-65);

(e) as in claim 5, the start time substantially corresponding to a playing time of the recording medium from a beginning of a program area to a beginning of an addressed title (Fig. 3; column 7, lines 65-67; column 8, lines 1-22);

(f) as in claim 5, storing the start time in the memory (Fig. 3; TOC table containing each program's absolute time is read and stored for determining the program's position/time period);

(g) as in claim 5, calculating a track jump time (access time), for positioning the read device at the beginning of the title, directly from at least one corresponding start time stored in the memory (Figs. 3 and 14; recording a program requires the calculation of the read head's access time/position);

(h) as in claim 6, the recording medium 7 includes an optical storage disc (Fig. 3);

(i) as in claim 7, if a pause is detected at the beginning of the title, determining a pause duration and adding the pause duration to the start time (Fig. 14; reading the TOC table can be considered as a pause before searching a program);

(j) as in claim 8, selecting the time unit depending on an accuracy needed for calculating the track jump (Fig. 14; a time unit such as minute/second is required during a program search);
and

(k) as in claim 9, the time unit is one second (Fig. 14; TOC time can be expressed in second).

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for
entry. Or:

(703) 746-6909, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status of
this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kim CHU
whose telephone number is (703) 305-3032 between 9:30 am to 6:00
pm, Monday to Friday.

KE 8/3/03

Kim-Kwok CHU
Examiner AU 2653
September 3, 2003

(703) 305-3032

William Korzuch
WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600